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August 1, 2014

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

 GRANTED Office of Proceedings	DECISION ID NO.: <u>43955</u>
	DECIDED DATE: <u>8/11/14</u>
	SERVICE DATE: <u>8/11/14</u>
	APPROVED: <u>Rachel Campbell</u> Director
	☒ <u>Added until 8/14/15</u>

Re: *Norfolk Southern Railway Company – Abandonment Exemption – In
Marengo County, Alabama, STB Docket No. AB-290 (Sub-No. 347X)
Request for Extension of Time to File Consummation Notice*

Dear Ms. Brown:

I am writing on behalf of Norfolk Southern Railway Company (“NSR”) in connection with the above-referenced railroad abandonment proceeding to request relief from the consummation notice requirements set forth at 49 C.F.R. § 1152.29(e)(2). Specifically, NSR hereby requests a 1-year extension of the applicable consummation notice deadline¹ for the reasons set forth below.

As the record reflects, the Alabama Historical Commission (“SHPO”) submitted comments during the abandonment proceeding indicating that it was unable to determine whether NSR’s railroad bridge, located at milepost 242.4 N on the line subject to this abandonment proceeding, was a historically significant structure. As a result of the SHPO’s comments, the Board’s Environmental Assessment (“EA”), which was served on August 19, 2013, included a condition that NSR “take no steps to alter the historic integrity of the railroad bridge located at milepost 242.4 N or any remaining remnants thereof until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed.” *Id.*

NSR diligently supplied the SHPO with the requisite information they needed to make a determination. In a subsequent decision served September 12, 2013, the Board indicated that the

¹ Per the Board’s decision served on August 14, 2013, NSR had until August 14, 2014 to consummate its abandonment.

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SHPO submitted additional comments² stating that the proposed abandonment would not affect any cultural resources listed in or eligible for listing in the National Register. After reviewing the supplemental SHPO comments, the Board's Office of Environmental Analysis ("OEA") removed the Section 106 condition.

Due to the imposition of the condition, NSR's actions in consummating the abandonment were delayed. Over the past year, NSR has made continuous progress towards consummating the subject abandonment; however, the bridge removal will not be accomplished by August 14, 2014, despite NSR's best efforts.

Therefore, we must request a 1-year extension of time to consummate the abandonment. Accordingly, for the good cause shown above, NSR respectfully requests a 1-year extension of the current deadline for filing a notice of consummation in this proceeding. NSR would appreciate prompt action on this matter. Please let me know if you require anything else in order to grant the subject extension.

Sincerely,



William A. Mullins
Counsel for Norfolk Southern Railway Company

cc: All parties of record
Marc Kirchner
Lawada Poarch
Greg Summy

² The Board's initial EA, served August 19, 2013, indicated comments on the EA were due by September 3, 2013.